
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Satisfaction of claims by Secretary of State etc

20.—(1) Section 16 of the 1965 Act is further amended as follows.

(2) For subsection (3)(1) (the use of United Kingdom and foreign public funds to satisfy claims for compensation) substitute—

- “(3) A claim by virtue of a duty imposed on a person by section 7, 7B, 8, 9 or 10—
- (a) to the extent to which, by virtue of subsection (1) or (2), though duly established, it is not or would not be payable by that person, or
 - (b) which is a claim the full satisfaction of which out of funds otherwise required to be, or to be made, available for the purpose is prevented by section 21(1),

may be the subject of proceedings for compensation under this Act brought against the appropriate authority.

(3A) Payments of compensation under this Act made by the appropriate authority in such proceedings may not exceed in the aggregate, apart from payments in respect of interest or costs, the amount of the sums made available for the purpose under section 18.

(3B) If the amount payable in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 reaches, in the aggregate and apart from interest or costs, the equivalent in sterling of 700 million euros, the appropriate authority is not required to satisfy further claims for compensation except to the extent that they are special relevant claims.

(3C) If the amount payable in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 reaches, in the aggregate and apart from interest or costs, the amount in sterling that is—

- (a) the limit on liability established by the law of a relevant reciprocating territory made for purposes corresponding to those of subsection (3B), or
- (b) the equivalent in sterling of an amount denominated in another currency or unit of account that is the limit on liability established by the law of a relevant reciprocating territory made for such purposes,

the appropriate authority is not required to satisfy further claims for compensation to the extent that they are referable to that relevant reciprocating territory.

(3D) Subsection (3E) has effect in relation to—

- (a) a claim falling within subsection (3) to the extent that, leaving aside payments in respect of interest or costs, it is not or would not be satisfied out of sums made available for the purpose under section 18 or by means of a relevant foreign contribution;
- (b) a claim that is not satisfied, or so much of a claim as is not satisfied, because of—

- (i) subsection (1ZA) or (1ZB),
 - (ii) a relevant foreign law made for purposes corresponding to those of subsection (1ZA) or (1ZB) which is given effect by subsection (2), or
 - (iii) subsection (3B) or (3C).
- (3E) If the claim is established to the satisfaction of the appropriate authority, it is to be satisfied by the appropriate authority—
 - (a) to such extent as Parliament may determine, and
 - (b) out of funds provided by such means as Parliament may determine.
- (3F) Provision made by Parliament under subsection (3E) may make different provision for different sorts of claim.”
- (3) In subsection (4) (resolution of legal questions relating to compensation beyond the requirements of the Paris Convention and the Brussels Supplementary Convention)—
 - (a) for “subsection (3) of this section” substitute “subsection (3E)”;
 - (b) for the words from “the appropriate court” to “the claim” substitute “the court that would have had jurisdiction in accordance with section 16C to determine the claim but for this section”.
- (4) Omit subsection (5) (definition of “the relevant period”).
- (5) After subsection (7) (inserted by article 19) insert—
 - “(8) In this section “appropriate authority” means—
 - (a) in the case of a claim by virtue of section 9 where the government department concerned is a part of the Scottish Administration, the Scottish Ministers;
 - (b) in any other case, the Secretary of State.”